

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

IN THE MATTER OF THE SEIZURE
OF PROCEEDS ON DEPOSIT IN ACCOUNT
NOS. XXXXXX3002 AND XXXXXX7905,
WESBANCO BANK, WHEELING, WV,
IN THE NAME OF KATHERINE A. HOOVER

MAGISTRATE CASE NO. 2:10-mj-00029

IN THE MATTER OF THE SEARCH OF
THE BEDROOM OF DR. KATHERINE A. HOOVER
LOCATED AT 110 WEST SECOND AVENUE,
WILLIAMSON, WV

MAGISTRATE CASE NO. 2:10-mj-00035

Interested party:
Katherine A. Hoover, M.D.

MEMORANDUM OPINION AND ORDER

Pending in both of these magistrate cases are the interested party Katherine Hoover's (1) applications for entry of default filed March 17, 2011, and (2) "RESPONSE[S] TO ORDERS OF MARY STANLEY AND JUDGE COPENHAVER," filed January 6, 2011. The court construes the January 6, 2011, filings as motions to reconsider the December 16, 2010, memoranda opinions and orders entered in the above-styled civil actions.

One portion of the motion to reconsider reiterates a previously rejected, and frivolous, challenge to the magistrate

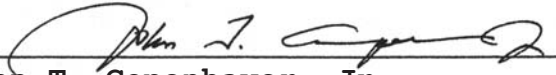
judge's authority to issue the challenged search warrants. Inasmuch as the magistrate judge was vested with subject matter jurisdiction at the time the search warrants issued, the matter need not be further addressed.

The residue of the motions to reconsider discuss the nature of certain proceeds apparently seized from Dr. Hoover pursuant to the warrants, along with contesting the propriety of the seizure and forfeiture of certain assets. Those matters are more properly addressed in the pending civil forfeiture proceedings. See United States v. \$88,029.08, More or Less, in United States Currency, No. 2:10-01087 (S.D. W. Va. Sept. 10, 2010); United States v. \$27,671.50, More or Less, in United States Currency, No. 2:11-00101 (S.D. W. Va. Feb. 11, 2011). The court, accordingly, ORDERS that the motions to reconsider be, and they hereby are, denied.

The applications for default are based upon the United States' failure to respond to the motions to reconsider. The United States was not required to respond to the motions and thus any entries of default against it would be inappropriate. The court, accordingly, ORDERS that the applications for default be, and they hereby are, denied.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record, Dr. Hoover, and any other interested parties.

DATED: April 12, 2011



John T. Copenhaver, Jr.
United States District Judge